

SENATE BILL 2064  
By Norris

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 39; Title 55; Title 66 and Title 68, relative to  
hazards to property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-24-101, is amended by adding the following language as new subsections (28) and (29):

(28) Notices of methamphetamine lab issued by the commissioner of environment and conservation for contamination of real property where actual methamphetamine production has occurred in a form as provided in § 68-212-507(b).

(29) Certificates of fitness issued by the commissioner of environment and conservation that property has been remediated and certified clean by the department pursuant to its rules and guidelines for clandestine drug labs and is safe for human use in a form as provided in § 68-212-508(b).

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 212, Part 5, is amended by adding the following new language:

Section 68-212-507

(a) Whenever any property, or any structure or room in any structure on any property may be quarantined by a local law enforcement agency pursuant to § 68-212-503, due to the actual production of methamphetamine, the commissioner shall file a notice with the office of the register of deeds in the county in which the property or any portion thereof lies.

(b) A form of notice substantially as follows is sufficient to comply with subsection (a):

### **Notice of Methamphetamine Lab**

A clandestine laboratory for the manufacture of methamphetamine was seized at this location on [DATE]. This property has been quarantined by local law enforcement agencies pursuant to Tennessee Code Annotated, Section 68-212-503.

The property is to remain quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list pursuant to Section 68-212-502 certifies that the property is safe for use.

Name of Titleholder(s)\_\_\_\_\_

Property Address\_\_\_\_\_

Description of Property Sufficient to Identify Such  
Property\_\_\_\_\_

Signature of Commissioner or Authorized Designee

Date TDEC Seal

The register of deeds shall note the date and time of filing, and an appropriate registration number, and shall record this notice in the deed book of the office of the register in the county in which the property or any portion thereof lies.  
Section 68-212-508.

(a) Whenever the commissioner receives certification from a certified industrial hygienist or other person or entity named on the commissioner's list pursuant to §68-212-502 that the property is safe for human use, the commissioner shall issue a certificate of fitness that shall be filed with the office of the register of deeds of the county in which the property or any portion thereof lies.

(b) A form substantially as follows is sufficient to comply with subsection (a):

**Certificate of Fitness**

This is to certify that the property located at (description of property) has been remediated by a certified industrial hygienist or other person or entity approved by the department of environment and conservation according to the methamphetamine rules and cleanup guidance promulgated by the department. This property is safe for human use.

Every person holding an interest in the property is hereby released from any liability for any action brought by any future owner, renter, or other person who occupies such property relating to alleged injuries resulting from the existence of the production of methamphetamine or any component thereof.

Name of Titleholder(s) Property Address

Description of Property Sufficient to Identify Such Property

Signature of Commissioner or Authorized Designee Date

TDEC Seal

The register of deeds shall note the date and time of filing, and an appropriate registration number, and shall record this notice in the deed book of the office of the register.

(c) The certificate of fitness provided in this section shall apply to any notice of environmental hazard or quarantine indicating the presence of methamphetamine, the production of methamphetamine or any component thereof which was filed prior to the effective date of this act. Such certificate of fitness relating to any notice filed prior to the effective date of this act shall be filed upon the request of any person having an ownership interest in the property and upon the tender of the filing fee set for filing the documents in the register's office.

Section 68-212-509. Once a certified industrial hygienist or other person or entity named on the commissioner's list pursuant to §68-212-502 determines that a property has met the standards for cleanup of a clandestine laboratory for the manufacture of methamphetamine established by the department of environment and conservation and is safe for human use, then at such time, any person having a right, title or interest in the property, including any lien holders shall be free from liability for any actions brought by any future owner, renter, or other person who occupies such property relating to alleged injuries or damages resulting from the existence of a clandestine laboratory for the manufacture of methamphetamine or any component thereof.

SECTION 3. This act shall take July 1, 2005, the public welfare requiring it.